

FB Fire Safety Code Board of Appeal and Review

FB1 Variance Decisions

The Fire Safety Code Board of Appeal and Review (hereinafter Fire Board) has the responsibility for deciding whether or not appeals for variances from certain aspects of the State Fire Code are granted or not as per RIGL §23-28.3-5. Upon the adoption of the Fire Code, there was the realization that certain situations would arise that would render strict compliance impossible. The aforementioned law establishes a procedure for building owners and/or operators to request relief from specific clauses of the Fire Code. The Board then considers whether or not to grant these variances, which may take various forms. A variance of time may be granted to give an owner/operator to comply with some aspect of the Fire Code that a structure is not yet equipped for. A variance may also be granted for structural hardship if strict compliance is impossible because of the existing structure of the facility. A variance may also allow for an alternative method of compliance with the intent of the code if the usual method is not feasible for a particular structure. The Board has the authority to render decisions on appeals for variances and holds hearings to determine whether or not to grant them. The records in this series include the decisions issued by the Board. The Fire Safety Code Board of Appeal and Review provides a copy of each decision rendered to the State Fire Marshal.

Retention: Retain ten (10) years after the conclusion of the statutory cycle under which the variance was granted or denied.

Note: Per § 23-28.3-5 (b) A properly indexed record of all variations made shall be kept in the office of the state fire marshal and shall be open to public inspection. (The State Fire Marshal retains the record permanently.)

FB2 Variance Application Files

Building owners and/or operators provide the Fire Board with applications when seeking variances in the Fire Code as per RIGL §23-28.1-6. The applications contain background information on the structure involved and other documents. Additional documents in support of the application may be provided during the hearing. The files may include, but are not limited to, application forms filled out by building owners and/or operators, copies of the most recent plan reports or inspection report for the subject building (prepared by the State or Local Fire Marshal's office), related correspondence, and plans.

a) Granted or denied variances

Retention: Retain three (3) years after the mailing date of the Administrative Decision.

b) Administratively closed files, with no Decision issued

Retention: Retain three (3) years after the mailing date of the notice of closure of the file.

FB3 Administrative Hearing Records

The Fire Board conducts hearings on applications for variances as per RIGL §23-28.3-5 and these records document those hearings. It is at these hearings that the Board decides whether or not to grant the variances. In addition to the petitioner, the property owners of any structures located within two hundred feet of the petitioner's building may be informed when the hearing is scheduled if there is reason to believe the variance would have an adverse effect on these properties. The Board has discretion about notifying the owners of the surrounding properties and usually does so only if they have direct involvement in the case. The records include a verbatim record of each hearing consisting of a recording of the actual hearing or a verbatim transcript.

a) Granted or denied variances

Retention: Retain three (3) years after the mailing date of the Administrative Decision.

b) Administratively closed files, with no Decision issued

Retention: Retain three (3) years after the mailing date of the notice of closure of the file.

FB4 Certificates of Records Destruction

Certification of Records Destruction forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules.

RIGL 38-1-10, 38-3-6(j), 42-8.1-10.

Retention: Permanent.